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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,514	02/24/2004	Thomas A. Powers	14335 (6365/91348)	8319

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EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/785,514

Applicant(s)

POWERS, THOMAS A.

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-19 is/are rejected.
- 7) ☒ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/27/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, lines 4-5, there is no antecedent basis for “the bottom section” in the claim. It is suggested that “the bottom section” be changed to --- the bottom chute section ----.

Regarding claim 9, line 13, there is no antecedent basis for “the carriage” in the claim.

Regarding claim 13, line 4, there is no antecedent basis for “the bottom section” in the claim. It is suggested that “the bottom section” be changed to --- the bottom chute section ----.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fulton et al. (hereinafter “Fulton”)(US 4,254,703).**

Regarding claim 9, as best understood, Fulton discloses a strapping machine comprising: a frame (59) having a biased, movable carriage (57) mounted thereto; a sealing head and a feed head mounted to the carriage (col. 8, lines 37-43); a strap chute (35); the sealing head (fig. 7) and the feed head (fig. 6) operably mounted to the frame (fig. 5) along a side of the frame (fig. 1) for vertical movement thereon (figs. 11-13), wherein when a strap material (S) is fed into the strapping machine through the feed head and the sealing head (see fig. 5) into the strap chute (37), the strap traverses through the chute and is tensioned around the load (col. 8, lines 31-43), and wherein during tensioning, the carriage, which carrying the sealing head and the feed head, floats (col. 12, line 7) and is moved downward in the direction of tensioning (see col. 11 and 12, and figs. 11-13).

Regarding claim 10, the sealing head and the feed head are slidably mounted to the frame by a bearing mounted to a shaft (97).

**Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Coleman (US 3,768,396).**

Regarding claim 14, Coleman discloses a strapping machine comprising: a frame (60); a sealing head and a feed head mounted to a carriage (70) (see col. 4, lines 7-12), the carriage operably mounted to the frame (fig. 1); a strap chute (100) operably mounted to the frame (fig. 1), the strap chute including a bottom section (fig. 7), wherein the bottom section including openings (151) formed in the bottom chute section (fig. 7). Coleman discloses the openings as claimed; therefore, debris that is generated during handling of the load, is capable ejecting itself from the strap chute through the openings.

Regarding claim 15, the openings formed at junctures of the bottom chute section and sections (155, 160) adjacent thereto (see fig. 7).

Regarding claim 16, the bottom chute section and the sections adjacent thereto are hingedly mounted to one another (fig. 4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton in view of Flaum et al. (hereinafter "Flaum") (US. 6,651,551).**

Regarding claims 1 and 2, Fulton discloses the invention substantially as claimed (see similar rejection to claim 9 above) except for the sealing head and the feed head are being modular components. Fulton discloses that the sealing head (fig.7) and the feed head (fig.6) are fixedly mounted to the carriage. However, the patent to Flaum, teaches a strapping machine having a carriage (figs. 4, 7, 9, and 11) including a feed head receiving region to carry a modular feed assembly (18, 118) and a sealing head receiver region to carry a modular sealing head (20, 120). Flaum teaches this construction of the sealing head and the feed head as modular components for easily removed and installed in the strapping machine to minimize down time of the machine (col. 2, lines 20-23). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Fulton with the type of carriage

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having a feed head receiving region to carry a modular feed assembly and a sealing head receiver region to carry a modular sealing head, as taught by Flaum, in order to minimize down time of the strapping machine.

Regarding claims 3 and 4, the claims are rejected for substantially the same reason as set forth in the rejection to claim 10 above.

**Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman (US 3,768,396) in view of Fulton et al. (hereinafter "Fulton") (US. 4,254,703) and Flaum et al. (hereinafter "Flaum") (US. 6,651,551).**

Coleman discloses a strapping machine comprising: a frame (60); a sealing head and a feed head mounted to a carriage (70) (see col. 4, lines 7-12), the carriage operably mounted to the frame (fig. 1); a strap chute (100) operably mounted to the frame (fig. 1), the strap chute including a bottom section (fig. 7), wherein the bottom section including openings (151) formed in the bottom chute section (fig. 7). Coleman discloses the openings as claimed; therefore, debris that is generated during handling of the load is capable ejecting itself from the strap chute through the openings. Coleman does not disclose the movement of the carriage having the sealing head and the feed head as claimed. The patent to Fulton, in a closely related art, teaches a strapping machine having a sealing head (fig.7) and a feed head (fig.6) mounted to a carriage (57), the carriage biasedly mounted to a frame structure (59) to allow for vertical movement along the frame to accommodate strap tensioning about a load (A) (cols. 11-12), and a strap chute (37, 39) is operably mounted to the feed head and the sealing head (via the carriage (57)). Fulton teaches this vertical movement construction of the carriage having the feed head and the

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sealing head in order to impose a pulling force on a leading end of the strap during tensioning of a strap loop around the load (col. 6, lines 7-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Coleman with a movable carriage having a feed head and a sealing head, as taught by Fulton, in order to impose a pulling force on a leading end of the strap during tensioning of a strap loop around the load.

As to the sealing head and the feed head are being modular components. Coleman discloses that the sealing head and the feed head are fixedly mounted to the carriage (70). However, the patent to Flaum, teaches a strapping machine having a carriage (figs. 4, 7, 9, and 11) including a modular feed assembly (18, 118) and a modular sealing head (20, 120). Flaum teaches this construction of the sealing head and the feed head as modular components for easily removed and installed in the strapping machine to minimize down time of the machine (col. 2, lines 20-23). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Coleman with the type of carriage having a modular feed assembly and a modular sealing head, as taught by Flaum, in order to minimize down time of the strapping machine.

**Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman in view of Fulton et al. (hereinafter "Fulton") (US. 4,254,703).**

Regarding claim 17, Coleman discloses the invention substantially as claimed as set forth above except for the vertical movement of the carriage having the sealing head and the feed head. The patent to Fulton, in a closely related art, teaches a strapping machine having a sealing head (fig.7) and a feed head (fig.6) mounted to a carriage (57), the carriage operably mounted to

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a frame (59) to allow for vertical movement along the frame to accommodate strap tensioning about a load (A) (cols. 11-12), and a strap chute (37, 39) is operably mounted to the feed head and the sealing head (via the carriage (57)). Fulton teaches this vertical movement construction of the carriage having the feed head and the sealing head in order to impose a pulling force on a leading end of the strap during tensioning of a strap loop around the load (col. 6, lines 7-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Coleman with a movable carriage having a feed head and a sealing head, as taught by Fulton, in order to impose a pulling force on a leading end of the strap during tensioning of a strap loop around the load.

Regarding claim 18, the claim is rejected for substantially the same reason as set forth in the rejection to claim 16 above.

Regarding claim 19, the claim is rejected for substantially the same reason as set forth in the rejection to claim 15 above.

#### ***Allowable Subject Matter***

Claims 6, 11-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Regarding claims 5 and 11, the claims are allowable because the Fulton fails to disclose the carriage is biasedly mounted to the frame by a spring. Fulton discloses the biasing means is a float cylinder (187), the float cylinder is operably communicated/connected with other hydraulic systems in the strapping machine (fig. 8) in order for the float cylinder to work. It is not obvious for one skill in the art to replace the float cylinder with a spring because such modification would damage other operations in the machine.

Regarding claims 6 and 13, the claims are allowable because Fulton fails to disclose the movable bottom chute section (41) and the movable lower head-side chute section (39) being hingedly connected to one another for cooperative movement. One skill in the art would not connect them together because such connectivity would prevent the moveable bottom chute section from sliding out of the pallet (P).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant strapping machines.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen  
April 27, 2005



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